

FILED

JUL 23 2004

**BEFORE THE
LABOR AND INDUSTRIAL RELATIONS COMMISSION
JEFFERSON CITY, MISSOURI**

**LABOR AND INDUSTRIAL
RELATIONS COMMISSION**

In the matter of: **Objection to General Wage Order No. 48, as it pertains to the Occupational Title of Carpenter in the Counties of Franklin, Jefferson, St. Charles, Lincoln, Warren, Pike, St. Francois, Washington, Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon and Texas; and Audrain, Ralls, Marion, Lewis, Clark and Scotland; and Bollinger, Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Perry, Ste. Genevieve, Scott, Stoddard and Wayne; and Carter, Howell, Oregon and Ripley, all of which said counties constitute the entire geographic jurisdiction of the Carpenters' District Council of Greater St. Louis and Vicinity and its affiliated local unions.**

On Behalf of: **Carpenters' District Council of Greater St. Louis and Vicinity and its Affiliated Local Unions**

Objector.

OBJECTION

COMES NOW the Carpenters' District Council of Greater St. Louis and Vicinity and its Affiliated Local Unions, (hereinafter "Objector") and files its Objection to General Wage Order No. 48 and states therefore the following:

1. Carpenters' District Council of Greater St. Louis and Vicinity and its Affiliated Local Unions are an unincorporated association representing members who perform work in the construction trades and specifically under the Occupational Title of "Carpenter" throughout the state of Missouri of the type covered by Section 290.210, RSMo., *et seq.* (the "Missouri Prevailing Wage Law"). These individual union members also perform work of the type at issue in this Objection on a regular basis. Through well-established precedent the Objector has historically been permitted to represent the interests of its members before the Labor and Industrial Relations Commission, as have other unincorporated associations, on matters of objections to proposed General Wage Orders.


2. A review of the applicable collective bargaining agreements and construction practice throughout the State of Missouri, and specifically within the objected to counties which constitute the entire geographic jurisdiction of the Carpenters' District Council of Greater St. Louis and Vicinity and its Affiliated Local Unions, and of the Missouri Prevailing Wage law, and of 8 C.S.R. 30-3.060, promulgated pursuant to that Law, reveals that a change must be made in the overtime rate schedules to bring said Schedules in compliance with applicable collective bargaining agreements, construction practices and the prevailing wage in the objected to counties. It is proposed that overtime rate schedule footnote No. 32 be deleted, along with all other overtime rates pertaining to the "four (4) ten (10) hour days" and that the following four 10 hour day shift rate be substituted therefor:

"The Employer may establish a four (4) ten (10) hour shift exclusive of the 30 minute unpaid lunch at the straight time wage rate. 40 hours per week shall constitute a week's work Monday through Thursday. In the event a job is down due to weather conditions, safety or other conditions beyond the control of the Employer, then Friday may, at the option of the Employer, be worked as a make-up day at the straight-time wage rate. If Friday is scheduled as a make-up day, a minimum of eight (8) hours will be scheduled and worked, weather permitting. Straight time is not to exceed ten (10) hours a day, or forty (40) hours per week. Starting time will be designated by the Employer. The Union will be advised of the starting time. Fridays can be worked in lieu of holidays at Employee's option. Saturday may be worked as a make-up day at straight time (if working 5-8's). Make-up days shall not be utilized for days lost from holidays. Except as worked as a make-up day, time on Saturday shall be worked at one and one-half (1-1/2) times the regular rate. Work performed on Sunday shall be paid at two (2) times the regular rate. Work performed on recognized holidays or days observed as such, shall also be paid at the double (2) time rate of pay."

3. The proposed change to General Wage Order No. 48 is reflective of the Objector's collective bargaining agreement with signatory employers which agreement prevails throughout the geographic jurisdiction of Objector.

WHEREFORE, it is respectfully requested that the Labor and Industrial Relations Commission consider favorably the Objection of Objector and amend the overtime rate schedule on General Wage Order No. 48 to reflect the practice, collective bargaining agreement, and prevailing wage rates throughout the geographic jurisdiction of Objector and for such other changes as are deemed appropriate.

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CERTIFICATE OF SERVICE

An original and two (2) copies of the foregoing was served on Pamela Hofmann, Administrative Secretary, Labor and Industrial Relations Commission, 3315 West Truman Boulevard, P.O. Box 599, Jefferson City, Missouri 65102-0599, by **Overnight Mail**; and a copy was served on the following individuals by placing same, postage prepaid, in the U.S. mails this 22nd day of July, 2004:

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